

AMENDED IN SENATE JUNE 12, 2007

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1580**

---

**Introduced by Assembly Member La Malfa**

February 23, 2007

---

An act relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1580, as amended, La Malfa. Scott *Valley* and Shasta Valley Watermaster District.

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the Scott *Valley* and Shasta Valley Watermaster District. The bill would generally specify the powers and purposes, *as well as the boundaries*, of the district~~and~~. *The bill would* prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill

would authorize the district to enter into ~~agreements~~ *an agreement* to provide watermaster service to owners of certain ~~other~~ eligible parcels that are a place of use for water rights under a ~~specified~~ decree *that is not an appointed decree*, and for which the department is not the watermaster. *The bill would require the board of directors of the district to provide for the preparation of regular audits of the district's accounts and records and specified annual financial reports.* By imposing duties on *the district* and Siskiyou County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited as the  
2 Scott Valley and Shasta Valley Watermaster District Act. It is  
3 intended to supplement the Water Code and reads as follows:

4  
5 SCOTT VALLEY AND SHASTA VALLEY WATERMASTER  
6 DISTRICT ACT

7  
8 Article 1. Creation

9  
10 101. This act shall be known and may be cited as the Scott  
11 Valley and Shasta Valley Watermaster District Act.

12 102. (a) A watermaster district is hereby created in Siskiyou  
13 County to be known as the Scott Valley and Shasta Valley  
14 Watermaster District.

15 (b) The district shall be governed by a board of directors as  
16 specified in Section 401, shall have boundaries as prescribed in  
17 Section 201, and shall exercise the powers granted by this act for  
18 purposes of acting as watermaster over those decreed water rights  
19 whose places of use are within the Scott Valley and Shasta Valleys  
20 Valley and for which the Superior Court for the County of Siskiyou  
21 has appointed the district as the watermaster, together with other

powers and duties that are granted by this act or reasonably implied and necessary and proper to carry out the purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost-effective and responsible enforcement of existing decreed water rights within the Scott Valley and Shasta-Valleys Valley is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the Superior Court for Siskiyou County is for the common benefit of the owners holders of those decreed water rights within the Scott Valley and Shasta-Valleys Valley and for the protection of agricultural and economic productivity.

## Article 2. Boundaries

201. For the purposes of this act, all of the following territory is included in the Scott Valley and Shasta Valley Watermaster District:

\_\_\_\_\_.

*Those portions of the following townships that lie within the county:*

*Township 39 North, Range 9 West, Mt. Diablo Base and Meridian;*

*Township 40 North, Range 7 West, Mt. Diablo Base and Meridian; and*

*Township 41 North, Range 6 West, Mt. Diablo Base and Meridian.*

*All of the following townships that lie entirely within Siskiyou County:*

*Township 40 North, Range 10 West, Mt. Diablo Base and Meridian;*

*Township 40 North, Range 9 West, Mt. Diablo Base and Meridian;*

*Township 40 North, Range 8 West, Mt. Diablo Base and Meridian;*

*Township 41 North, Range 10 West, Mt. Diablo Base and Meridian;*

*Township 41 North, Range 9 West, Mt. Diablo Base and Meridian;*

1     *Township 41 North, Range 8 West, Mt. Diablo Base and*  
2     *Meridian;*  
3     *Township 41 North Range 7 West, Mt. Diablo Base and*  
4     *Meridian;*  
5     *Township 41 North Range 5 West, Mt. Diablo Base and*  
6     *Meridian;*  
7     *Township 41 North Range 4 West, Mt. Diablo Base and*  
8     *Meridian;*  
9     *Township 42 North Range 11 West, Mt. Diablo Base and*  
10    *Meridian;*  
11    *Township 42 North, Range 10 West, Mt. Diablo Base and*  
12    *Meridian;*  
13    *Township 42 North Range 9 West, Mt. Diablo Base and*  
14    *Meridian;*  
15    *Township 42 North Range 8 West, Mt. Diablo Base and*  
16    *Meridian;*  
17    *Township 42 North Range 7 West, Mt. Diablo Base and*  
18    *Meridian;*  
19    *Township 42 North Range 6 West, Mt. Diablo Base and*  
20    *Meridian;*  
21    *Township 42 North Range 5 West, Mt. Diablo Base and*  
22    *Meridian;*  
23    *Township 42 North Range 4 West, Mt. Diablo Base and*  
24    *Meridian;*  
25    *Township 43 North Range 11 West, Mt. Diablo Base and*  
26    *Meridian;*  
27    *Township 43 North Range 10 West, Mt. Diablo Base and*  
28    *Meridian;*  
29    *Township 43 North Range 9 West, Mt. Diablo Base and*  
30    *Meridian;*  
31    *Township 43 North Range 8 West, Mt. Diablo Base and*  
32    *Meridian;*  
33    *Township 43 North Range 7 West, Mt. Diablo Base and*  
34    *Meridian;*  
35    *Township 43 North Range 6 West, Mt. Diablo Base and*  
36    *Meridian;*  
37    *Township 43 North Range 5 West, Mt. Diablo Base and*  
38    *Meridian;*  
39    *Township 43 North Range 4 West, Mt. Diablo Base and*  
40    *Meridian;*

1 *Township 44 North Range 10 West, Mt. Diablo Base and*  
2 *Meridian;*

3 *Township 44 North Range 9 West, Mt. Diablo Base and*  
4 *Meridian;*

5 *Township 44 North Range 8 West, Mt. Diablo Base and*  
6 *Meridian;*

7 *Township 44 North Range 7 West, Mt. Diablo Base and*  
8 *Meridian;*

9 *Township 44 North Range 6 West, Mt. Diablo Base and*  
10 *Meridian;*

11 *Township 44 North Range 5 West, Mt. Diablo Base and*  
12 *Meridian;*

13 *Township 44 North Range 4 West, Mt. Diablo Base and*  
14 *Meridian;*

15 *Township 45 North Range 9 West, Mt. Diablo Base and*  
16 *Meridian;*

17 *Township 45 North Range 8 West, Mt. Diablo Base and*  
18 *Meridian;*

19 *Township 45 North Range 7 West, Mt. Diablo Base and*  
20 *Meridian;*

21 *Township 45 North Range 6 West, Mt. Diablo Base and*  
22 *Meridian;*

23 *Township 45 North Range 5 West, Mt. Diablo Base and*  
24 *Meridian;*

25 *Township 45 North Range 4 West, Mt. Diablo Base and*  
26 *Meridian;*

27 *Township 45 North Range 3 West, Mt. Diablo Base and*  
28 *Meridian;*

29 *Township 46 North Range 7 West, Mt. Diablo Base and*  
30 *Meridian;*

31 *Township 46 North Range 6 West, Mt. Diablo Base and*  
32 *Meridian; and*

33 *Township 46 North Range 3 West, Mt. Diablo Base and*  
34 *Meridian.*

35 202. The district is divided into the following service areas:

36 (a) Scott Valley Service Area.

37 (b) Shasta Valley Service Area.

## Article 3. Definitions

301. Unless otherwise indicated by their context, the definitions set forth in this article govern the construction of this act.

302. “Appointed decree” means a decree for which the district is appointed the watermaster by the court.

303. “Appointed parcel” means a parcel of real property within the district that is a place of use for water rights under an appointed decree.

304. “Board of directors” or “board” means the board of directors of the district.

305. “Contracted parcel” means an eligible parcel whose owner has entered into a contract with the district to provide watermaster service for that parcel.

306. “County” means Siskiyou County.

307. “Court” means the Superior Court for the County of Siskiyou.

308. “Decree” or “decrees” means any water right decree, entered by the court, which adjudicates water rights within the county in which the decreed points of diversion are within the Scott Valley or Shasta-Valleys Valley in the county.

309. “Department” means the Department of Water Resources.

310. “District” means the Scott Valley and Shasta Valley Watermaster District.

311. “Eligible parcel” means a parcel of real property within the district that is a place of use for water rights under a decree that is not an appointed decree, and for which the department is not the watermaster.

312. “Fund” means the fund designated by the court, or by the district in the absence of a designation by the court, into which charges levied by the district shall be paid by the county upon collection.

313. “Owner” means a person who is an owner of a parcel of real property within the district that is a place of use for water rights under a ~~district~~ decree.

314. “Person” means any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any native tribe or federal agency.

1 315. "Scott Valley" means that portion of the district generally  
2 drained by the Scott River.

3 316. "Shasta Valley" means that portion of the district generally  
4 drained by the Shasta River.

5 317. "Voter" means ~~an owner of a holder of water rights whose~~  
6 *place of use under a decree is an appointed or contracted parcel.*

7  
8 Article 4. General Provisions  
9

10 401. (a) The board of directors shall govern the district and  
11 shall exercise the powers of the district as set forth in this act.

12 (b) Except as specified in subdivision ~~(g)~~ (d), the board of  
13 directors of the district shall consist of seven members, as follows:

14 (1) ~~Two elected members who shall be voters owning holding~~  
15 *water rights whose places of use under a decree are appointed or*  
16 *contracted parcels within the Scott Valley Service Area. These*  
17 *members shall be elected at large from the Scott Valley Service*  
18 *Area.*

19 (2) ~~Three elected members who shall be voters owning holding~~  
20 *water rights whose places of use are appointed or contracted*  
21 *parcels within the Shasta Valley Service Area. These members*  
22 *shall be elected at large from the Shasta Valley Service Area.*

23 (3) ~~Two members appointed by the Siskiyou County Board of~~  
24 *Supervisors county board of supervisors. These members shall be*  
25 *residents of the county and shall not be voters.*

26 (c) A quorum of the board of directors shall be four members.  
27 A majority of affirmative votes of the full membership of the board  
28 shall be required to take an action.

29 ~~(d) (1) Three members of the first board, as described in~~  
30 ~~subdivision (b), shall serve terms of two years. Of these members,~~  
31 ~~one member shall be appointed by the Siskiyou County Board of~~  
32 ~~Supervisors, one member shall be elected from the Scott Valley~~  
33 ~~Service Area, and one member shall be elected from the Shasta~~  
34 ~~Valley Service Area. The three members who serve two-year terms~~  
35 ~~shall be determined by lot, in accordance with this paragraph, at~~  
36 ~~the first meeting of the board following the election or appointment~~  
37 ~~of board members pursuant to subdivision (b).~~

38 ~~(2) Except as provided in paragraph (1) and subdivision (g),~~  
39 ~~each board member shall serve a four year term.~~

~~(3) Members of the board of directors may be reelected or reappointed.~~

*(d) (1) On or before February 1, 2008, the county board of supervisors shall appoint the members of the board of directors with the qualifications required by subdivision (b), as if the court had appointed the district as the watermaster. The members of the board of directors appointed pursuant to this paragraph shall hold office until their successors are elected or appointed and qualified in accordance with subdivision (b).*

*(2) At the first opportunity to conduct an election, the voters shall elect the members of the board of directors identified in paragraphs (1) and (2) of subdivision (b). At the first meeting of the board of directors following that election, the members of the board of directors shall classify themselves by lot into two classes. One class shall have four members and the other class shall have three members. For the class that has four members, the term of office shall be four years. For the class that has three members, the term of office shall be two years. Thereafter, the terms of all members of the board of directors shall be four years.*

*(3) Except as provided in paragraphs (1) and (2), the term of office for a member of the board of directors shall be four years.*

~~(4) Members of the board of directors may be reelected or reappointed.~~

*(e) Except as otherwise provided in this act, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall apply to elections within the district. For the purposes of the Uniform District Election Law, the district shall be deemed to be a landowner voting district, except that each voter shall have one vote for each hundredth of a cubic foot per second of flow for which the voter holds a water right under a decree.*

~~(f) Any vacancy on the board shall be filled by appointment by a majority of remaining directors as provided in Section 1780 of the Government Code. An appointment to fill a vacancy on the board shall be for the unexpired portion of the term of the office in which the vacancy occurs.~~

~~(g) The Siskiyou County Board of Supervisors shall appoint five interim board members to serve until the board members described in subdivision (b) are elected or appointed. The interim board members shall be owners whose watermaster at the time of~~



1 ~~their appointment is the department. Three of the interim board~~  
2 ~~members shall be owners in the Shasta Valley, and two shall be~~  
3 ~~owners in the Scott Valley.~~

4 *(f) Any vacancy in the elective office of a member of the board*  
5 *of directors shall be filled pursuant to Section 1780 of the*  
6 *Government Code. Any vacancy in the appointive office of a*  
7 *member of the board of directors shall be filled pursuant to Section*  
8 *1778 of the Government Code.*

9 ~~402. (a) For parcels with multiple owners, the owners shall~~  
10 ~~402. Consistent with Section 10525 of the Elections Code, for~~  
11 ~~water rights that have multiple holders, the holders shall designate~~  
12 ~~in writing to the district, in accordance with a timetable established~~  
13 ~~by the district, a voter from among their number for voting~~  
14 ~~purposes.~~

15 ~~(b) If applicable, the owners shall designate in writing, in~~  
16 ~~accordance with a timetable established by the district, a legal~~  
17 ~~representative who shall be entitled to execute a proxy vote on~~  
18 ~~their behalf.~~

19 ~~403. A voter may vote at any district election either in person~~  
20 ~~or by a person duly appointed as his or her proxy. A proxy vote~~  
21 ~~may be executed by a legal representative or by a single owner~~  
22 ~~designated pursuant to Section 402.~~

23 ~~404. Prior to taking office, each director shall take the official~~  
24 ~~oath and execute any bond that may be set by the board.~~

25 ~~405. The board shall elect a chairperson and vice chairperson~~  
26 ~~from among its members as follows:~~

27 ~~(a) At the first meeting of the interim board members appointed~~  
28 ~~pursuant to subdivision (g) of Section 401.~~

29 ~~(b) At the first meeting of the board members selected pursuant~~  
30 ~~to subdivision (b) of Section 401.~~

31 ~~(c) At the first annual meeting each year following the meeting~~  
32 ~~described in subdivision (b).~~

33 *403. (a) The board of directors shall do all of the following:*

34 *(1) Act only by ordinance, resolution, or motion.*

35 *(2) Keep a record of all of its actions, including financial*  
36 *transactions.*

37 *(3) Adopt rules or bylaws for its proceedings.*

38 *(4) Adopt policies for the operation of the district.*

39 *(b) The board of directors may do all of the following:*

1     (1) *Provide, by ordinance or resolution, that its members may*  
2 *receive their actual and necessary traveling and incidental*  
3 *expenses incurred while on official business. Reimbursement of*  
4 *these expenses is subject to Section 53232.3 of the Government*  
5 *Code. A member of the board of directors may waive any or all of*  
6 *the payments permitted by this paragraph.*

7     (2) *Require any employee, officer, or member of the board of*  
8 *directors to be bonded. The district shall pay the cost of the bonds.*

9     (c) *Prior to taking office, each director shall take the official*  
10 *oath and execute any bond that may be set by the board.*

11     404. *At the first meeting of the board of directors, and at the*  
12 *first annual meeting each year thereafter, the board of directors*  
13 *shall elect a chairperson and vice chairperson from among its*  
14 *members. The board of directors shall appoint a secretary of the*  
15 *district. The secretary of the district may be a member of the board*  
16 *of directors or a district employee.*

17     ~~406.~~

18     405. *Meetings of the board shall be held pursuant to the Ralph*  
19 *M. Brown Act (Chapter 9 (commencing with Section 54950) of*  
20 *Part 1 of Division 2 of Title 5 of the Government Code).*

21     406. *The district shall have the following powers:*

22     (a) *Adopt ordinances in accordance with Article 7 (commencing*  
23 *with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title*  
24 *3 of the Government Code.*

25     (b) *Adopt and enforce rules and regulations for the*  
26 *administration, operation, use, and maintenance of the district's*  
27 *facilities and property.*

28     (c) *Sue and be sued in its own name.*

29     (d) *Acquire any real or personal property within the district,*  
30 *by contract or otherwise, to hold manage, occupy, dispose of,*  
31 *convey and encumber the property, and to create a leasehold*  
32 *interest in the property for the benefit of the district. The district*  
33 *shall not have the power of eminent domain.*

34     (e) *Appoint employees, define their qualifications and duties,*  
35 *and provide a schedule of compensation for performance of their*  
36 *duties.*

37     (f) *Engage counsel and other professional services.*

38     (g) *Enter into and perform all contracts. The district shall follow*  
39 *the procedures that apply to the county, including, but not limited*  
40 *to, the requirements of Article 3.6 (commencing with Section*

20150) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

(h) Adopt a seal and alter it.

(i) Take any and all actions necessary for, or incidental to, the powers expressed or implied by this act.

407. (a) The board of directors shall provide for the preparation of regular audits of the district's accounts and records pursuant to Section 26909 of the Government Code.

(b) The board of directors shall provide for the preparation of annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

408. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

409. The district is not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

~~407.~~

410. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

#### Article 5. Powers and Duties

501. The district shall serve as the watermaster for any appointed decree, including, but not limited to, taking specific actions ordered by the court in the administration of that decree or decrees.

502. ~~(a)~~—In carrying out its duties as watermaster, the district shall have the powers and duties that are set forth as powers and duties of the department in Part 4 (commencing with Section 4000) of Division 2 of the Water Code, except as modified by the court, and as follows:

~~(1)~~

(a) References to the department in that part shall be deemed to be references to the district.

1     ~~(2)~~

2     ~~(b)~~ References to the Water Resources Revolving Fund in that  
3 part shall be deemed to be references to the fund.

4     ~~(b) Charges levied by the district shall comply with Article XIII~~  
5 ~~C and Article XIII D of the California Constitution.~~

6     503. The district may enter into ~~agreements~~ *an agreement* to  
7 provide watermaster service to owners of eligible parcels where  
8 all owners of an eligible parcel have executed the agreement. An  
9 agreement to provide watermaster services to an eligible parcel  
10 shall include a provision that the owners agree to pay in full for  
11 the service prior to the provision of service. The amount to be paid  
12 shall be determined to ensure that the provision of the watermaster  
13 service to contracted parcels does not increase the cost of the  
14 watermaster service to appointed parcels.

15     ~~504. The district may enter into contracts or employ staff to~~  
16 ~~provide watermaster service to appointed and contracted parcels.~~

17     SEC. 2. The Legislature finds and declares that this act, which  
18 is applicable only to the Scott *Valley* and Shasta Valley  
19 Watermaster District, is necessary because of the unique and  
20 special water problems in the area included ~~int~~ *in* the district. It is,  
21 therefore, hereby declared that a general law within the meaning  
22 of Section 16 of Article IV of the California Constitution cannot  
23 be made applicable *to* the district and the enactment of this special  
24 law is necessary for the conservation, development, control, and  
25 use of that water for the public good.

26     SEC. 3. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 a local agency or school district has the authority to levy service  
29 charges, fees, or assessments sufficient to pay for the program or  
30 level of service mandated by this act, within the meaning of Section  
31 17556 of the Government Code.